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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,912	02/27/2006	Joel Gaillard	1-37992	6905
43935	7590	06/16/2009		
FRASER CLEMENS MARTIN & MILLER LLC			EXAMINER	
28366 KENSINGTON LANE			HESS, DANIEL A	
PERRYSBURG, OH 43551				
			ART UNIT	PAPER NUMBER
			2876	
			NOTIFICATION DATE	DELIVERY MODE
			06/16/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/552,912	GAILLARD, JOEL	
	Examiner	Art Unit	
	DANIEL A. HESS	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 February 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-15 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 13 October 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/13/2005</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

This action is responsive to applicant's filing of 2/27/2006, which has been entered into the electronic file of record.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Reiner (US 5,999,713).

See the entire specification of Reiner. Reiner discloses two different conveyance functions, namely contact-based and contactless.

See column 3 of Reiner:

“Referring now in detail to the single FIGURE of the drawing, there is seen a basic circuit in which a memory 1 is connected to a coil 2. A high-frequency signal that is received is supplied from the coil 2 over a first line 6 to a processing circuit 7, which extracts the clock and the data from it and supplies them through a switch device 9 to the memory 1. The switch device 9 assumes a position of repose, in which a switch 91 of the switch device 9 connects the memory 1 constantly through the processing circuit 7 to the coil 2.

A supply voltage which is derived from the coil 2 through the use of a rectifier and smoothing circuit 3 and a control circuit 4, can be applied through a line 5 to both the processing circuit 7 and the memory 1.

A control portion 92 of the switch device 9 may be triggered by a logic circuit 8, which is advantageously constructed as a microprocessor, so that the switch 91 connects the memory 1 through the microprocessor 8 to contacts 20. However, this switchover can only occur when a supply voltage VDD is applied to a supply voltage contact 21 of the contacts 20 and supplies the microprocessor 8.”

There is switching between the two modes, as well as a default mode. A cue is received externally, namely a triggering through the contacts, that causes switching into a contact-mode from the default of the contactless mode.

Allowable Subject Matter

Claims 1-11 and 13-15 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Firstly, the examiner specifically addresses the prior art of Riemschneider et al. (DE 101 46 804A) which was cited against a number of the claims in a PCT action. The examiner located an English version, WO 03027949A1 which is included herewith.

The examiner carefully reviewed that reference including those figures referenced in the International action and found no evidence of all of the limitations being met including the

control device being selectively triggered to issue the invariable activation command such that if the switching element is in the activated state, a data exchange will be initiated through the instrumentality of the data transceiver for exchanging data between the electronic circuit and an external data exchange device and if the switching element is in the inactive state, data will be conveyed from the electronic circuit to the user interface device for communicating information to the portable electronic device holder.

Elsewhere, the prior art fails to teach or fairly suggest the above limitation in the context of all other limitations present in the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL A. HESS whose telephone number is (571)272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel A Hess/
Primary Examiner, Art Unit 2876